

IN THE DRAWINGS

Please replace the Fig. 1 of record with the corrected Fig. 1 submitted herewith.

REMARKS

Claims 8-17 are pending in the present application. Claims 8 and 10-16 were rejected under 35 U.S.C. §103 (a) as being unpatentable over European Patent No. EPO 0560696 in view of Castonguay et al., U.S. Patent No. 6,37,555. Claims 9 and 16-17 were rejected under 35 U.S.C. §103 (a) as being unpatentable over EPO 0560696 in view of Castonguay et al. as applied to claim 8, and further in view of Tanimizu et al., U.S. Patent No. 5,719,365. The drawings were objected to.

A corrected Fig. 1 is submitted herewith for the Examiner's consideration.

A Declaration under 37 CFR 1.131 is submitted herewith.

Objection to the Drawings

The Examiner has objected to the drawings because cut-away views of insulative portions, such as housing modules 2 and 3, should be cross-hatched as such. Applicants have submitted, for the Examiner's consideration, a corrected Fig. 1 adding cross-hatching to the uncross-hatched area between blowout magnet 15 and the curved portion of busbar 9. Applicants apologize for the oversight and ask the Examiner to point out any other areas that require cross-hatching.

Rejection under 35 U.S.C. §103 (a) to claims 8 and 10-16

Claims 8 and 10-16 were rejected under 35 U.S.C. §103 (a) as being unpatentable over European Patent No. EPO 0560696 in view of Castonguay et al., U.S. Patent No. 6,37,555.

EPO 0560696 describes a circuit breaker having a pair of u-shaped stationary contacts 24, 25 disposed in receptacles within an interrupter chamber housing 10. See Fig. 1. As noted by the Examiner, EPO 0560696 does not disclose the bus bar being force fit within the outside wall. See Office Action, page 3, lines 8-9.

Castonguay et al. describes a circuit breaker having a load strap 408 disposed in a circuit breaker cassette 400. See Fig. 25 and Col. 7, lines 44-47. Castonguay et al. does not claim the same invention as the present application.

Castonguay et al. was filed in the U.S. on January 5, 1999, which is the effective date for the reference under 35 U.S.C. § 102 (e). The present application claims priority to German Patent Application No. DE 199 04 355.8, filed on February 4, 1999. Applicants submit herewith a Declaration under 37 CFR 1.131 establishing that the subject matter of the present invention was invented prior to the effective date of January 5, 1999. See MPEP 715.

The declaration and attachments thereto establish that the Applicants had conceived the invention prior to January 5, 1999, coupled with due diligence from prior to January 5, 1999 to the filing of the priority date of the present application, February 4, 1999. See MPEP 715.

It is respectfully submitted, in view of the earlier invention date of the present application, that the Castonguay et al. reference is not prior art under 35 U.S.C. § 102 (e).

Independent claim 8 of the present application recites a circuit breaker including "a busbar imbedded into the outside wall and in contact with the outside wall over a large surface of the busbar." As noted by the Examiner, EPO 0560696 does not disclose the bus bar being force fit within the outside wall. See Office Action, page 3, lines 8-9.

Since EPO 0560696 does not teach at least “the busbar imbedded into the outside wall” feature of claim 8, and since Castonguay et al. is not prior art to the present application, it is respectfully requested that the rejection to claims 8 and 10-16 under 35 U.S.C. §103 (a) based on EPO 0560696 in view of Castonguay et al. be withdrawn.

Should the Examiner require any further information or a supplemental declaration, he is invited to contact the Applicants’ representative at the address below.

Rejection under 35 U.S.C. §103 (a) to claims 9 and 16-17

Claims 9 and 16-17 were rejected under 35 U.S.C. §103 (a) as being unpatentable over EPO 0560696 in view of Castonguay et al. as applied to claim 8 above, and further in view of Tanimizu et al., U.S. Patent No. 5,719,365.

Tanimizu et al. describes a switching device having a an L-shaped load side conductor 41 in main body insulator plate 4B, the conductor 41 having a vertical portion 41A extending in parallel with the axis of vacuum switch 11. See Col. 7, lines 21-23 and Fig. 1.

Dependent claim 9 of the present application recites a circuit breaker “wherein the busbar is imbedded into the outside wall by an injection molding process using the plastic material.” Independent claim 16 recites a method for manufacturing a circuit breaker, the method including “injecting the plastic material into the mold so as to surround a large surface area of the busbar.” As noted by the Examiner, EPO 0560696 does not teach the stationary contact assembly being injection molded within the outside wall. See Office Action , page 4, lines 1-2. Also, as discussed above, Castonguay et al. is not prior art to the present application under 35 U.S.C. § 102 (e).

It is respectfully submitted that Tanimizu et al. does not teach nor suggest the above-recited respective “injection molding” and “injecting” features of claims 9 and 16. Tanimizu et al. is silent as to how the conductor 41 is affixed with insulator plate 4B. Tanimizu et al. merely describes conductor 41 in as being disposed in main body insulator plate 4B and having a vertical portion 41A extending in parallel with the axis of vacuum switch 11. See Col. 7, lines 21-23. It respectfully submitted that neither Fig. 1 nor any of the other figures of Tanimizu et al. in any way teach the “injection molding” and “injecting” features recited in claims 9 and 16, respectively. Indeed, there are other ways of disposing conductor 41 in insulator plate 4B. For example, conductor 41 could be disposed in insulator plate 4B by inserting into a corresponding receptacle in the insulator plate, as in EPO 0560696. See the present specification at paragraph 0002.

Furthermore, while Tanimizu et al. describes certain components as being “integrally molded” with main body insulator plate 4B, it does not describe conductor 41 as being so molded in the insulator plate. Specifically, Tanimizu et al. describes current transformer 42 and capacitor 43 as being “integrally molded within the main body insulator plate 4B” and “coupled to the load side conductor 41.” See Col. 6, line 6 through Col. 7, line 2. Since Tanimizu et al. explicitly describes these other components as being integrally molded with main body insulator plate 4B and coupled to conductor 41, but says nothing about conductor 41 being integrally molded with insulator plate 4B, it is respectfully submitted that one could not reasonably conclude that conductor 41 is integrally molded in the insulator plate 4B. In any event, it is respectfully submitted that Tanimizu et al. nowhere teaches the respective “injection molding” and “injecting” features of claims 9 and 16.

As noted above, Castonguay et al. is not prior art to the present application. Since at least the respective “injection molding” and “injecting” features of claims 9 and 16 are missing from both EPO 0560696 and Tanimizu et al., it is respectfully submitted that a combination of

these references could not teach these features.

For at least the reasons stated above, withdrawal of the rejection of claims 9 and 16-17 under 35 U.S.C. §103 (a) based on EPO 0560696 in view of Castonguay et al. as applied to claim 8 above, and further in view of Tanimizu et al., is hereby respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: William C. Gehris

William C. Gehris

Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940